

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 2088 OF 2018  
IN WP/9545/2016

CHANDRAKANT YADAV RAO GAVANE  
VERSUS  
SYED ABDUL SAMAD KHALEQ

...  
Advocate for the Applicant : Shri Nimbalkar Aniruddha A.  
Advocate for the Respondent : Shri Y.M.Khan.  
...

**CORAM: RAVINDRA V. GHUGE, J.**

**DATE :- 16<sup>th</sup> February, 2018**

**Per Court:**

1           The litigating sides are once again before the Court pursuant to the order dated 05.01.2018 passed on Civil Application No.15448/2017.

2           I have considered the submissions of the learned Advocates and I am recording their statements made after collecting instructions from their respective clients, as under:-

- (a)   By consent, the Trial Court would appoint the Deputy Superintendent of Land Records, Beed as the Court Commissioner for measurement of the agricultural land in Gat No.133 admeasuring 1 H and 27.5 R as per the 7/12 extract.

- (b) On or before 01.03.2018, the Respondent/ original Plaintiff would deposit the entire amount as is mentioned in the Agreement to Sell before the Trial Court in Special Civil Suit No.19/2014.
- (c) All the statements made by the litigating sides recorded in the order dated 05.01.2018 shall continue to bind the parties.
- (d) After the land, which is described in the Agreement to Sell, is handed over to the Plaintiff in accordance with the procedure laid down in law, the Applicant/ original Defendant would request the Trial Court for the withdrawal of the amount along with the accrued interest and the sale transaction will then be treated as complete.
- (e) The amount deposited by the Plaintiff shall be invested in the Fixed Deposit Receipt in any nationalized Bank until the proceedings between the parties are concluded and the land is handed over to the Plaintiff. Thereafter, the amount with accrued interest would be withdrawn by the Defendant.
- (f) Though the litigating sides are bound by their statements recorded on 05.01.2018 and today, in the event the land, which is agreed to be sold by the Defendant admeasuring 1 H and 27.5 R is found to be less than what is actually agreed, the option would be left open to the Plaintiff whether, he

would proceed with the said transaction with proportionate reduction of the consideration or withdraw from the same.

3 Order accordingly.

4 This Civil Application is, accordingly, disposed of.

*kps*

(RAVINDRA V. GHUGE, J.)